

REMARKS

Claims 29-31 are canceled herein. Claims 1-4, 6-14 and 16-28 now remain pending in the application.

The Applicants respectfully request that the Examiner initial and return a copy of the IDS filed on April 15, 2010.

Claims 1-3, 10-13, 19-22, 23-25 and 26-31 Timmins and Whitington

In the Office Action, claims 1-3, 10-13, 19-22, 23-25 and 26-31 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 6,816,580 to Timmins ("Timmings") in view of U.S. Pat. No. 6,131,028 to Whitington ("Whitington"). The Applicants respectfully traverse the rejections.

Claims 29-31 are canceled herein, mootng the rejection in that regard.

Claims 1-3, 10-13, 19-22, 23-25 and 26-28 recite, *inter alia*, a system and method that receives a request for location information comprising dialed digits "4-1-1" suffixed by at least one auxiliary digit associated with the requested location information.

Timmings is relied on to allegedly teach an information telephone call comprising dialed digits "4-1-1" suffixed by at least one auxiliary digit. Claims 1-3, 10-13, 19-22, 23-25 and 26-28 are amended herein to a request for location information comprising dialed digits "4-1-1" suffixed by at least one auxiliary digit associated with the requested location information.

Timmings invention uses dialed digits "4-1-1" suffixed by at least one auxiliary digit for "accessing a desired information assistance provider, regardless of which carrier a user utilizes." (see col. 3, lines 34-36) Receiving a request for a service provider comprising dialed digits "4-1-1" suffixed by at least one auxiliary digit associated with a particular service provider fails to teach or suggest receiving a request for location information comprising dialed digits "4-1-1" suffixed by at least one auxiliary digit associated with the requested location information, as recited by claims 1-3, 10-13, 19-22, 23-25 and 26-28.

Applicants previously argued that modifying Timmins' invention, that retrieves a request for a service provider, to also/instead (the Examiner has not made this clear) retrieve a location based message is nonsensical. (see Response filed September 7, 2010) In response, the Examiner argues that "the fact that applicant had recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See Ex parte Obiaya, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985)." (see Advisory Action, page 2)

The claimed request for location information naturally does NOT flow from Timmins' request for a service provider. A request for location information does not flow naturally from Timmins' teaching of a request to route a call to a particular service provider.

Claims 1-3, 10-13, 19-22, 23-25 and 26-28 recite, *inter alia*, a system and method of retrieving requested location information (1) associated with an obtained current location of a subscriber device and (2) selected using at least one auxiliary digit, with an information telephone call comprising dialed digits "4-1-1" suffixed by the at least one auxiliary digit associated with the requested location information.

Thus, the claimed features require retrieval of **requested location information** based on **TWO** elements: (1) an obtained current location and (2) at least one auxiliary digit associated with the requested location information.

The Examiner relies on Whitington to allegedly teach querying of a location-based wireless service to obtain a current location of a subscriber device; and retrieving a located based message based on the subscriber device current location and selected using at least one auxiliary digit.

It is well settled that each and every claim limitation must be considered. As specified in MPEP §2143.03, entitled "All Claim Limitations Must Be Taught or Suggested": "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). 'All words in a claim must be considered in judging the patentability of that claim against the prior art.' In re

Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." MPEP §2143.03. Claims 1-3, 10-13, 19-22, 23-25 and 26-28 require requested location information that is based on TWO elements (1) an obtained current location of a subscriber device and (2) selected using at least one auxiliary digit, with an information telephone call comprising dialed digits "4-1-1" suffixed by the at least one auxiliary digit associated with the requested location information. Whitington teaches a features code that is pre-fix to a telephone number. (see col. 3, lines 22-35) Whitington fails to teach or suggest use of the dialed digits "4-1-1" OR at least one auxiliary digit suffixed to dialed digits "4-1-1" associated with location information. Thus, Whitington fails to teach or suggest a request for location information that serves as a basis to retrieve such requested location information, as required by claims 1-3, 10-13, 19-22, 23-25 and 26-28.

In summary, Timmis and Whitington, either alone or in combination, at best teach or suggest use of dialed digits "411XX" to route a call to a desired information assistance service provider (Timmis) and a wireless device's current location as a basis to retrieve a location based message (Whitington). Timmins modified to retrieve a location based message is nonsensical in the context of routing a call to a desired information assistance service provider. Timmins and Whitington, either alone or in combination, fail to disclose, teach or suggest retrieval of requested location information based on TWO elements: (1) an obtained current location and (2) at least one auxiliary digit suffixed to dialed digits "4-1-1" associated with the requested location information, as required by claims 1-3, 10-13, 19-22, 23-25 and 26-28.

Accordingly, for at least all the above reasons, claims 1-3, 10-13, 19-22, 23-25 and 26-28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 4, 7-9, 14, 17 and 18 over Timmins, Whitington, and Bar

In the Office Action, claims 4, 7-9, 14, 17 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Timmins in view of Whitington, and further in view of U.S. Patent No. 6,456,852 to Bar et al. ("Bar"). The Applicants respectfully traverse the rejections.

Claims 4, 7-9, 14, 17 and 18 are dependent upon claims 1 and 11 respectively, and are allowable for at least the same reasons as claims 1 and 11.

Claims 4, 7-9, 14, 17 and 18 recite, *inter alia*, a system and method of retrieving requested location information (1) associated with an obtained current location of a subscriber device and (2) selected using at least one auxiliary digit, with an information telephone call comprising dialed digits "4-1-1" suffixed by the at least one auxiliary digit associated with the requested location information. As discussed above, Timmins and Whitington, either alone or in combination, fail to disclose, teach or suggest such features.

Bar is relied on to allegedly teaches various features from claims 4, 7-9, 14, 17 and 18. (see Office Action, pages 5 and 6) Thus, even in view of Bar's alleged teaching, Timmins, Whitington, and Bar, either alone or in combination, fail disclose, teach or suggest retrieval of a location based message associated with an obtained current location of a subscriber device and selected using at least one auxiliary digit, with an information telephone call comprising dialed digits "4-1-1" suffixed by the at least one auxiliary digit associated with the requested location information, as recited by claims 4, 7-9, 14, 17 and 18.

Accordingly, for at least all the above reasons, claims 4, 7-9, 14, 17 and 18 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6 and 16 over Timmins, Whitington, and Tell

In the Office Action, claims 6 and 16 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Timmins in view of Whitington, and further in view of U.S. Patent No. 5,774,802 to Tell et al. ("Tell"). The Applicants respectfully traverse the rejections.

Claims 6 and 16 are dependent upon claims 1 and 11 respectively, and are allowable for at least the same reasons as claims 1 and 11.

Claims 6 and 16 recite, *inter alia*, a system and method of retrieving requested location information (1) associated with an obtained current location of a subscriber device and (2) selected using at least one auxiliary digit, with an information telephone call comprising dialed digits "4-1-1" suffixed by the at least one auxiliary digit associated with the requested location information. As discussed above, Timmins and Whitington, either alone or in combination, fail to disclose, teach or suggest such features.

Tell is relied on to allegedly teaches location of a wireless device using an angle of arrival. (see Office Action, page 6) Thus, even in view of Tell's alleged teaching, Timmins, Whitington, and Tell, either alone or in combination, fail disclose, teach or suggest a system and method of retrieving requested location information (1) associated with an obtained current location of a subscriber device and (2) selected using at least one auxiliary digit, with an information telephone call comprising dialed digits "4-1-1" suffixed by the at least one auxiliary digit associated with the requested location information, as recited by claims 6 and 16.

Accordingly, for at least all the above reasons, claims 6 and 16 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC

2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307
WHB/df